UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,366	02/21/2002	John Keane	7937.0003	4963

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EXAMINER
MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/078,366	KEANE ET AL.
	Examiner	Art Unit	
	Joseph R. Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>12 April 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-55</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-55</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>01 April 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>see Office Action</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Preliminary Amendment filed 06/05/03 has been entered into record. New claims

36-55 have been entered and examined.

Information Disclosure Statement

2.   The information disclosure statements (IDS) submitted on 04/21/02, 01/31/03,

and 04/12/05 were in compliance with the provisions of 37 CFR 1.97. Accordingly, the

information disclosure statements were considered by the Examiner.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 26-30 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. "A system, comprising: means for detecting...;

means for receiving...; means for removing...; means for determining...; means for

determining...; and means for forwarding" is non-statutory, since it is not tangibly

embodied in a manner so as to be executable as the only hardware is in an intended

use statement. This is true even if the various recited means includes hardware, since

it is the intent of the execution of the system and not the system itself that includes such

hardware.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-55 are rejected under 35 U.S.C. 102(e) as being anticipated by Boden

et al. (U.S. Pat. App. Pub. 2003/0145104), hereinafter referred to as Boden.

7.   Regarding claims 1, 15, 26, and 31, Boden disclosed a method and system

comprising detecting an addressing conflict between a first address of a first processor

and a second address of a second processor (see paragraphs [0018], [0056]); receiving

from the first processor one or more packets forming a tunnel (see paragraph [0062]);

removing from the one or more packets information about the tunnel (see paragraph

[0062]); determining that the one or more packets are associated with the detected

addressing conflict based on the removed tunnel information (see paragraph [0062]);

determining a translated address based on the removed tunnel information (see

paragraph [0059]); and forwarding the one or more packets based on the translated

address (see paragraph [0059]).

8.   Regarding claims 2, 16, and 27, Boden disclosed the method and system further comprising detecting that the first address is the same as the second address (see paragraph [0056]).

9.   Regarding claims 3, 17, 28, and 32, Boden disclosed the method and system further comprising detecting that the first address is same as the second address based on information about the first processor and the tunnel (see paragraphs [0056], [0062]).

10.   Regarding claims 4, 18, and 29, Boden disclosed the method and system further comprising removing information indicating an address of the tunnel (see paragraph [0062]).

11.   Regarding claims 5, 19, and 30, Boden disclosed the method and system further comprising removing information indicating an Internet Protocol (IP) address of the tunnel (see paragraph [0053]).

12.   Regarding claims 6 and 20, Boden disclosed the method and system further comprising determining, based on the removed tunnel information, that the first address in the one of more packets causes the addressing conflict (see paragraph [0056]).

13.   Regarding claims 7 and 21, Boden disclosed the method and system further comprising determining the translated address based on the first address (see paragraph [0059]).

14.   Regarding claims 8 and 22, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on a network other than the first and second networks without the addressing conflict (see paragraphs [0059], [0091]).

15.   Regarding claims 9 and 23, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the second network without the addressing conflict (see paragraphs [0059], [0091]).

16.   Regarding claims 10 and 24, Boden disclosed the method and system further comprising mapping the first address into the translated address, such that the one or more packets are forwarded on the first network without the addressing conflict (see paragraphs [0059], [0091]).

17.   Regarding claims 11, 25, and 33, Boden disclosed the method and system further comprising mapping, at a gateway, the first address into the translated address (see paragraphs [0039], [0059]).

18.   Regarding claim 12, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing a network other than the first and second networks (see paragraph [0039], Fig. 4).

19.   Regarding claim 13, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the second network (see paragraph [0039], Fig. 4).

20.   Regarding claim 14, Boden disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the first network (see paragraph [0039], Fig. 4).

21.   Regarding claim 34, Boden disclosed the method and system wherein the other processor resolves the conflict based on information about another tunnel established between the other processor and the second network (see paragraph [0057]).

22.   Regarding claim 35, Boden disclosed the method and system wherein the other processor resolves the conflict such that communication between the second processor and the first network is enabled (see paragraph [0060]).

23.   Regarding claims 36 and 45, Boden disclosed the method and system further comprising forming the tunnel, such that a first protocol encapsulates a second protocol (see paragraph [0062]).

24.   Regarding claims 37 and 46, Boden disclosed the method and system further comprising using the first protocol as an Internet Protocol (IP) (see paragraphs [0018], [0056], [0057]).

25.   Regarding claims 38 and 47, Boden disclosed the method and system further comprising user the second protocol as an Internet Protocol (IP) (see paragraphs [0049], [0062]).

26.   Regarding claims 39 and 48, Boden disclosed the method and system further comprising defining the second protocol to further include an encryption protocol (see paragraph [0051]).

27.   Regarding claims 40 and 49, Boden disclosed the method and system further comprising removing from the one or more packets a virtual address of the tunnel, the virtual address being routable on a virtual network (see paragraph [0049], [0062]).

28.　　Regarding claims 41 and 50, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first processor on the first network without regard to a possible addressing conflict on a network other than the first network (see paragraph [0059]).

29.　　Regarding claims 42 and 51, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved between the first and second networks without regard to a possible addressing conflict on a network other than the first and second networks (see paragraph [0059]).

30.　　Regarding claims 43 and 52, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first processor without consent of another processor (see paragraph [0059]).

31.　　Regarding claims 44 and 53, Boden disclosed the method and system further comprising determining the translated address, such that the addressing conflict is resolved by the first adn second processors without regard to another processor (see paragraph [0059]).

32.　　Regarding claim 54, Boden disclosed the method and system wherein the other processor determines the translated address without regard to the first and second networks, such that the addressing conflict is resolved locally on a network other than the first and second networks (see paragraph [0059]).

33. Regarding claim 55, Boden disclosed the method and system wherein the other processor determines the translated address, such that the addressing conflict is resolved on a network other than the first and second networks (see paragraph [0059]).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Warrier et al. (U.S. Pat. No. 6,684,256)

Borella et al. (U.S. Pat. No. 6,697,354)

Beck et al. (U.S. Pat. App. Pub. 2001/0014097)

Hrastar et al. (U.S. Pat. No. 6,249,523)

Aysan et al. (U.S. Pat. App. Pub. 2003/0108041)

Beser et al. (U.S. Pat. No. 6,523,068)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

JM   MARC D. THOMPSON
                                                            MARC THOMPSON
                                                            PRIMARY EXAMINER